

**City Council of the Mayor and Council of New Castle**  
**Public Hearing: Town Hall – 201 Delaware Street – New Castle**  
**Tuesday – December 14, 2010 – 6:00 p.m.**

**Present:**

Council President William Barthel  
Councilperson John Cochran  
Councilperson John Gaworski  
Councilperson Ted Megginson  
Councilperson Teel Petty

**Also present:** Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Planner Marian Hull

Consideration of Ordinance No. 476, to Amend the City of New Castle Zoning Map in Accordance with the City of New Castle Comprehensive Plan.

President Barthel said the Comprehensive Plan was passed back in 2009. There are, however, concerns raised by the Trustees of the New Castle Common. He read a letter from the Trustees delivered just before the start of the meeting. The letter expressed concerns about three of the zoning actions in Ordinance No. 476 regarding three Trustee owned parcels—the Hermitage and two properties at the terminus of Chestnut Street. The letter states the downzoning of the properties at Chestnut Street would limit latitude to respond to unforeseen changes in the economic climate and a reduction of value of the properties. It was the understanding of the Trustees that after the Planning Commission meeting of May 19, 2009, the properties would maintain the HR zoning designation. The Trustees acquired the Hermitage property in May 2010. Now that the historic structure is no longer in existence, the Trustees are looking to integrate the property into the Greenway trails, possibly as a trailhead. They request the property remain zoned as OSR – Open Space and Recreation.

City Planner Marian Hull said there is a requirement to for the Comprehensive Plan to make land use recommendations. The plan includes relatively few land use recommendations. She explained the properties at 0 and 901 Delaware Street, at the time of the Comprehensive Plan adoption, both of those parcels were in private ownership. They were a mix of Open Space and Recreation and Residential zoning and still are.

For those parcels, it was recommended that the land use be residential with an environmental overlay to protect features on the site. Overall the site should be some combination of green, but needed to allow economic use of the site. Since that time the parcel has been purchased by the Trust. Two other parcels adjacent to that, one is owned by the City and that is zoned for residential development and the City would like it to be a park. It could be left as R-1 but open space and recreation allows for greater protection. The parcels on Chestnut Street the plan says it would like to see it used in some way for open space.

Ms. Hull said they attempted to write the comprehensive plan with flexibility.

The privately owned space that is zoned for open space and recreation is something that needs to be acted on so that the City is not taking away economic use. The City-owned parcel does not have to be changed, as parks are allowed in R-1.

President Barthel asked, regarding the Hermitage property, if the Trustees own it and they want

to keep as Open Space, is it not really their decision.

Ms. Hull agreed. If the City does change the zoning as proposed it would still not prevent the Trustees from using it for a park.

Kathy MacDonough said the ownership of the Hermitage property changed six months ago.

President Barthel said the privately owned property between the City's property and the Hermitage property is designated in the Comprehensive Plan as R-1. For the City to change that, it would take away its value.

President Barthel said the City is up against a hard number to get this done.

Ms. Hull said the City is up against a hard number in regard to the private parcel. The other sites have some wiggle room. The State is not going to object. The two areas that need to be addressed now are the privately owned parcel and the area around Seventh and South streets.

Administrator Thomas said that the City can go ahead as planned, but in the resolution single out the one property for R-1. The other thing in the mix is the other private property.

Ms. Hull added that the State is not looking at these types of matters. Eighteen months is not enough time to implement all the zoning changes.

Mr. Barthel said the City will go through the one parcel tonight and then do the others later.

Councilperson Cochran made a motion to adjourn the hearing and go into an executive session. Councilperson Megginson seconded the motion. It passed unanimously.

The meeting hearing adjourned at 6:34 p.m.